

**Opening Statement of the Honorable Greg Walden
Subcommittee on Communications and Technology
Markup of Discussion Drafts on FCC Process and Transparency
May 20, 2015**

(As Prepared for Delivery)

Today the subcommittee will consider a slate of bills to improve transparency and consumer access to the decision-making processes at the Federal Communications Commission. I am pleased that both Republicans and Democrats alike recognize the value of increased transparency at the commission and see a need for congressional action to improve the FCC's decision-making process. We all realize the incredible reach that technology has in our lives. We live in world where we carry smartphones in our pockets, watch connected televisions at home, and conduct business by video conference in the office.

The smallest entrepreneurs carry portable credit card scanners, and the largest corporations build server farms. They store our emails, map our vacations, and secure our transactions. The FCC's work doesn't only impact the industries that it regulates, but as daily consumers of communications services, our own lives as well.

This is why it is so important to make sure that the FCC functions in an effective, transparent manner. We have seen enough to know that the FCC falls short of the standard for a well-run agency. It's 2015, and the 2010 and 2014 Quadrennial Reviews are still not finished while daily newspapers close up shop in city after city. And DC insiders continue to get preferred access to information, while the general public waits in the dark until rules are already adopted and the commission decides to publish them. Even FCC commissioners find themselves in the dark when it comes to the work of the commission. It doesn't seem right, and we'd like to fix it.

I'd like to thank my colleagues for offering targeted, commonsense solutions:

- The FCC's current process denies the public any visibility into the rules the commission plans to adopt from the time the FCC informs the public it is thinking about rules, until they are already voted into law. Representative Kinzinger's draft bill would require the FCC to show the public what it expects to vote on by publishing drafts circulated for vote or for an Open Meeting;
- Similarly, once the rules are voted into law, there is no requirement that the FCC tell the world what it has adopted. Representative Ellmers's draft bill would require the FCC to show the public what it has just voted on by publishing the text of the rules within 24 hours of a vote;
- Not all FCC actions require a commission vote, some are adopted by the staff without the input of the commissioners – it's called delegated authority. Representative Latta's draft would require the FCC to list the items to be adopted on delegated authority 48 hours before they are effective to show the public that no one is hiding the ball under delegated authority;
- When the commission does vote on new rules, the process by which this happens is largely behind closed doors. Representative Loeb's draft would allow the public to understand the up-to-now secret processes of the 8th Floor; this is the kind of transparency that even the staff at the FCC will appreciate. No one likes to work where the rules are unclear and subject to change on whim;
- Representative Matsui's draft bill would require the FCC to actively find a way to increase the ability of the public – small businesses, specifically – to participate in the agency's rulemakings and proceedings; and,

- Representative Clarke's draft bill would ensure that the public knows how much progress the FCC has made on the public's requests for action; it will be harder for the agency to bury delays and hope they go unnoticed.

As we go forward, we hope to reconcile these very good draft bills with the more extensive process reform bill that both the ranking member and I supported last Congress. This bill would put more structure around rulemakings and rein in the delays – good government policies that the bill requires the FCC to structure for itself.

These bills all go to the same purpose – to tighten up an agency, where only insiders know how to work the levers; to shine light into the dark corners of the FCC. Sunlight is nonpartisan and will show up bad behavior on either side of the aisle. These bills are a good way to instill lasting reform at an agency that impacts us all so deeply, regardless of who sits in the chair. I hope you will recall that as we commence our mark-up.

###